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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,763	02/27/2002	Lawrence G. Roberts	22134-06741	1332
758	7590	09/02/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			TON, DANG T	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/086,763	<b>Applicant(s)</b> ROBERTS, LAWRENCE G.	
	<b>Examiner</b> DANG T TON	<b>Art Unit</b> 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-34 is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-29, 35, 40-47 and 49-51 is/are rejected.
- 7) ☒ Claim(s) 21, 36-39, 48 and 52-54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/18/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. Claims 4 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

in claim 4 line 4, " said other set of information" has no antecedent basis. Similar problem exists in claim 25.

3. Claims 12-29, and 35-49 are objected to under 37 C.F.R 1.75 because of the following formalities:

In claim 12 line , " each flow data structure" seems to refer back to " each flow data structure" recited in claim 12 line 2. If this is true, it is suggested to change " each flow data structure" to --- said each flow data structure ---. Similar problems exists in claims 13-16,35, and 41-44. The same is true with the terms " a router" recited in claim 2 line 2;

4. The disclosure is objected to because of the following informalities:

Applicant should provide a status of the copending application recited in page 1 of the specification.

Appropriate correction is required.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5,6, and 9 are rejected under 35 U.S.C. 102(b ) as being anticipated by Ochiai ( 5,067,127).

For claims 1-3,5,6, and 9, Ochiai disclose A routing method, comprising :

receiving a set of information associated with a particular flow ( see load capacity and residual capacity class in path L1 and L2 in figure 9) ;

accessing a flow data structure associated with the particular flow, the flow data structure comprising an indication of a specific route that sets of information associated with the particular flow should traverse to arrive at a particular egress ( see load capacity and residual capacity class in path L1 and L2 in figure 9); and

sending the set of information to the particular egress via the specific route (see minimum cost route in figure 9) ;

wherein the specific route represents a complete path to the particular egress.

wherein the flow data structure is not associated with any other flow (see minimum cost route in figure 9);

wherein the indication comprises a reference to a routing table (see boxes 1000,1002 in figure 9);

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wherein the flow data structure further comprising an identifier for the particular egress;  
and wherein the set of information comprises an information packet (see line # 1 in  
boxes 1000 and 1002).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8,10-20,22-24,26-29,35,40-47, and 49-51 are rejected under 35 U.S.C.  
103(a) as being unpatentable over Ochiai in view of Rangachar ( 6,249,519).

For Claims 7-8,10-20,22-24,26-29,35,40-47, and 49-51 , Ochiai disclose all the  
subject matter of the claimed invention with the exception of alternate paths in a  
communications network. Rangachar from the same or similar fields of endeavor  
teaches a provision of the alternate paths (see Figure 4a boxes 31,34,and 38) . Thus, it  
would have been obvious to the person of ordinary skill in the art at the time of the  
invention to use the alternate paths as taught by Rangachar in the communications  
network of Ochiai.

The alternate paths can be implemented/modified into the network of Ochiai by  
replacing the L1 and L2 paths with the alternate paths. The motivation for using the  
alternate paths as taught by Rangachar into the communications network of Ochiai  
being that it provides system more reliable since it provides a back up back due to the  
failure path.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Roberts ( 6,574,195) Hahne et al. ( 5,014,265) are all cited to show systems which are considered pertinent to the claimed invention.

8. Claims 21,36-39,48, and 52-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 4 and 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 30-34 are allowed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton



DANG TON  
PRIMARY EXAMINER